

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

JOSEPH A FERRARA, SR., FRANK H. FINKEL,
MARC HERBST, DENISE RICHARDSON,
ANTHONY D'AGUILA, THOMAS F. CORBETT,
THOMAS GESUALDI, LOUIS BISIGNANO,
DOMINICK MARROCCO, and ANTHONY
PIROZZI, as Trustees and Fiduciaries of the Local
282 Welfare Trust Fund, the Local 282 Pension
Trust Fund, the Local 282 Annuity Fund, the Local
282 Job Training Trust Fund, and the Local 282
Vacation and Sick Leave Trust Fund,

Plaintiffs,

-against-

INTER-CITY MECHANICAL CORP. and SUSAN
FRIEDLANDER,

Defendants.

X

FEUERSTEIN, J.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUN 07 2013 ★
LONG ISLAND OFFICE

ORDER
CV-10-5843(SJF)(WDW)

Pending before the Court is the Report and Recommendation ("the Report") of Magistrate Judge William D. Wall, dated April 15, 2013, recommending that plaintiffs' motion for judgment against defendant Susan Friedlander ("Friedlander") for violation of a stipulation and order of settlement be granted and that plaintiffs be awarded the total amount of sixty-five thousand four hundred forty-eight dollars and fifty-six cents (\$65,448.56)¹, plus eighteen dollars and thirty-two cents (\$18.32) in combined per diem interest and liquidated damages commencing August 22,

¹ The total amount awarded consists of eighteen thousand five hundred seventy-one dollars and nineteen cents (\$18,571.19) in principal due pursuant to the Stipulation, eleven thousand three hundred seventy-three dollars and ninety-two cents (\$11,373.92) in interest, eleven thousand three hundred seventy-three dollars and ninety-two cents (\$11,373.92) in liquidated damages, two thousand three hundred seventy-seven dollars (\$2,377.00) in audit fees, and twenty-one thousand seven hundred fifty-two dollars and fifty-three cents (\$21,752.53) in attorney's fees and costs.

2012 to the entry of judgment. No objections have been filed to the Report. For the reasons stated herein, the Court accepts Magistrate Judge Wall's Report in its entirety.

I

Any portion of a report and recommendation on dispositive matters, to which a timely objection has been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See, Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter, to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See, Fed. R. Civ. P. 72(b); Johnson v. Goord, 487 F.Supp.2d 377, 379 (S.D.N.Y. 2007), aff'd, 305 Fed. Appx. 815 (2d Cir. Jan. 1, 2009); Baptichon v. Nevada State Bank, 304 F.Supp.2d 451, 453 (E.D.N.Y. 2004), aff'd, 125 Fed.Appx. 374 (2d Cir. 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).


II

No party has filed any objections to Magistrate Judge Wall's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts Magistrate Judge Wall's Report in its entirety. Plaintiffs' motion for judgment against defendant Susan Friedlander ("Friedlander") for violation of a stipulation and order of settlement is granted and plaintiffs are awarded the total amount of sixty-five thousand four hundred forty-eight dollars

and fifty-six cents (\$65,448.56), plus eighteen dollars and thirty-two cents (\$18.32) in combined per diem interest and liquidated damages commencing August 22, 2012 to the entry of judgment. The Clerk of the Court shall reopen this case for the purpose of entering judgment in favor of plaintiffs, enter judgment in favor of plaintiffs and close this case.

SO ORDERED.

s/ Sandra J. Feuerstein


SANDRA J. FEUERSTEIN
United States District Judge

Dated: June 7, 2013
Central Islip, New York